IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHERYL NYKIEL, individually and as) CIVIL DIVISION
ADMINISTRATRIX of the ESTATE of)
GREGORY T. NYKIEL, Deceased,) Docket No: 2:08-cv-00813
DI 1 4100)
Plaintiff,) National de la la la Carrella de Carrell
VS.) Honorable Judge Gary L. Lancaster
BOROUGH OF SHARPSBURG,) }
SHARPSBURG POLICE DEPARTMENT,	,)
LEO RUDZKI, BOROUGH OF) JURY TRIAL DEMANDED
ASPINWALL, ASPINWALL POLICE)
DEPARTMENT, JOHN SABOL,))
BOROUGH OF BLAWNOX, BLAWNOX	,)
POLICE DEPARTMENT, GEORGE	,)
BUCHA, THOMAS DUFFY, MATT	,)
FUSCO, BOROUGH OF MILLVALE,) ELECTRONICALLY FILED
MILLVALE POLICE DEPARTMENT,)
MIKE VITH, INDIANA TOWNSHIP,	,)
INDIANA TOWNSHIP POLICE	Ś
DEPARTMENT, TOWNSHIP OF O'HARA,)
O'HARA POLICE DEPARTMENT, JASON)
MIDDLEBEE, TOWNSHIP OF)
HAMPTON, HAMPTON POLICE)
DEPARTMENT, TOWNSHIP OF)
SHALER, SHALER POLICE)
DEPARTMENT, BRIAN KELLY, ERIC)
STEGMAN, RICHARD ZILAITIS,))
SHAWN STELITANO, RICHARD)
FOWLER, BOROUGH OF ETNA, ETNA))
POLICE DEPARTMENT, and CHAD)
MITCHELL.)
)
Defendants.)

STIPULATION AND CONSENT ORDER

AND NOW, come the Plaintiff, Cheryl Nykiel, individually and as the Administratix of the Estate of Gregory T. Nykiel, deceased, and Defendant, Township of Indiana, by and through their undersigned counsel of record and hereby stipulate to the discontinuance of this action as against the Township of Indiana, only, and to the dismissal of the Township of Indiana from this

action with prejudice. Any reference to the Township of Indiana shall be removed from the case caption.

IT IS SO STIPULATED:

MARSHALL,D ENNEHEY, WARNER, COLEMAN & GOGGIN, PC

BY: s/ Patricia A. Monahan

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Gary L. Lancaster United States District Judge Date: 10 22 09